

~~Express Mail Label No.: EV287336301US  
Date of Deposit: November 19, 2003~~

Attorney Docket No. 21535-008

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

APPLICANTS: Gerhard Beckmann, *et al.*  
ASSIGNEE: MTI MICROFUEL CELLS, INC.  
SERIAL NUMBER: 09/882,645 EXAMINER: Stephen J. Kalafut  
Confirmation No. 2217  
FILING DATE: June 15, 2001 ART UNIT: 1745  
FOR: METHODS AND APPARATUSES FOR A SELF-REGULATING GAS  
DISPLACEMENT PUMP FOR A FUEL CELL SYSTEM

**STATEMENT CLAIMING SMALL ENTITY STATUS  
(37 CFR 1.9(f) and 1.27(b)–SMALL BUSINESS CONCERN)**

I hereby state that I am the attorney of record for the small business concern empowered to act on behalf of the concern identified below:

MTI MICROFUEL CELLS, INC.  
431 New Karner Road  
Albany, New York 11205

I hereby state that the above identified small business concern qualifies as a small business concern, as defined in 13 CFR 121.12, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees to the United States Patent and Trademark Office under Sections 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third-party or parties controls or has the power to control both.

I hereby state that rights under contract or law have been conveyed to, and remain with, the small business concern identified above, with regard to the invention described in the specification filed herewith, with title as listed above.

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights in the invention is listed below and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c), if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

Applicants: Gerhard Beckmann, et al.  
Serial No.: 09/882,645

Each such person, concern or organization having any rights in the invention is listed below:

no such person, concern, or organization exists  
 each such person, concern, or organization is listed below

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small business entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Brian P. Hopkins, Reg. No. 42,669

Attorney for Applicants

MINTZ, LEVIN, COHN, FERRIS,  
GLOVSKY AND POPEO, P.C.

The Chrysler Center

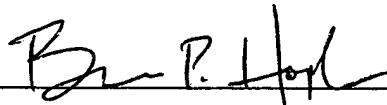
666 Third Avenue, 24<sup>th</sup> Floor

New York, New York 10017

Tel: (212) 935-3000

Fax: (212) 983-3115

Signature:



Date: Nov. 19, 2003